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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,464	08/15/2001	Loic Ollivier	Q65563	2414

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EXAMINER

DEANE JR, WILLIAM J

ART UNIT PAPER NUMBER

2642

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/913,464

Applicant(s)

OLLIVIER ET AL.

Examiner

William J. Deane

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare et al. (US 5,982,774)

As for claim 1, Foladare et al. teach a method of transmitting information (or "call waiting service" message) to a telephone subscriber terminal (or terminal 101) from a local exchange (or LEC 103 and IAP 104) of a telephone network to which the telephone subscriber terminal unit is connected via at least one analog telephone line (or telephone line 105), the method comprising', generating and encoding command or information messages (or new page, new window with waiting call message; See Col. 3, lines 30-35) at the local exchange (See Col. 3, lines 15-35); receiving the command or information messages at the telephone subscriber terminal unit (or terminal 101) and decoding and interpreting the command or information messages in information processing means of the telephone subscriber terminal unit in order to display the command or information messages as text messages (i.e. "over-write") at the telephone subscriber terminal unit (See Col. 3, lines 30-35).

Further, Foladare et al. discloses "transmitting the command or information messages from the local exchange to the telephone subscriber terminal unit in addition

to sending [...] telephone signaling via the analog telephone line" (as read on "after receiving a ringing signal...")(See Col. 3, lines 40-51).

Regarding the part of the limitation reciting "in addition to sending speech signals...", it would have been obvious that after accepting the communication the called party (at the telephone terminal subscriber unit) a speech signal (i.e. a conversation) will be transmitted from the local exchange terminal, in addition to the information message, via the analog telephone line (See Col. 3, lines 48-51).

Claim 2 limitation reciting "... in response to a request from the telephone subscriber terminal unit" reads, for example, on a user subscribing to the "Internet on Hold Waiting Service" (See Col. 2, lines 52-54). If the user subscribes herself or himself by using terminal 101 or telephone set 1 1 1, the user is in fact requesting a service from him or her telephone subscriber terminal.

As for claim 3, the limitation claiming "wherein the command or information messages are messages whose content is intended to be at least temporarily stored at the telephone terminal subscriber unit that receives them", reads for example in the implicit ROM functions that terminal 101 performs when receiving a "new window, new page or over-write"

As for claim 4, the limitation "wherein the command or information messages are command transmission messages" is taught by Foladare in the user clicking on an "accept" icon (See Col. 3, lines 39-40).

Claims 5-6 are rejected for the same reasons as claim 1. The limitation reciting "management logic unit" read on the functions performed to display a new page, a new

window or an over write-in in terminal 101 (See Col. 1, lines 30-35).

Response to Arguments

Applicant's arguments filed 05/17/2005 have been fully considered but are not deemed persuasive to any error in the Rejection above.

Applicant argues that Foladare et al. does not teach that the LEC does not encode a command or message, however, it is apparent that such is inherent. The information coming from the IAP is sent back through the exchange. That is, the data from the IAP would be encoded to go on the analog line from the LEC to the telephone. Even if applicant argues that it is the IAP that generates and encodes the message, it would have been obvious to combine the IAP and LEC into one local exchange. Even if encoding was not inherent in the Foladare et al. device, which it is, encoding is so notoriously old in the art, it would have been obvious to one of ordinary skill in the art to encode and decode data as deemed necessary, as such is standard in the art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (571) 273-8300.

16Oct2005



WILLIAM J. DEANE, JR.
PRIMARY EXAMINER